

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Edward Lee Dean,

Plaintiff,

vs.

FSS Lim; Sgt. Smith; Warden C.
Early; and Ofc./Sgt. Readon a/k/a
Reardon,

Defendants.

C/A No. 1:24-cv-20-JFA

ORDER

Edward Lee Dean (Plaintiff), proceeding *pro se*, filed this case on January 3, 2024. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

On July 1, 2024, Defendants filed a motion for summary judgment. (ECF No. 30). Pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the Magistrate Judge advised Plaintiff of the significance of the summary judgment motion and the necessity to file an adequate response by August 1, 2024. (ECF No. 31). The *Roseboro* Order warned Plaintiff that Defendants' summary judgment motion may be granted if he failed to respond. (ECF No. 31). Nonetheless, Plaintiff did not respond to Defendants' summary judgment motion.

On August 6, 2024, the Magistrate Judge directed Plaintiff to inform the Court whether he intended to pursue this case. (ECF No. 34). On August 15, 2024, the mail service returned the Magistrate Judge's correspondence as undeliverable. (ECF No. 36).

Plaintiff otherwise failed to respond to the Magistrate Judge's order. Subsequently, on August 16, 2024, the Magistrate Judge issued a Report and Recommendation (Report), concluding that this Court should dismiss Plaintiff's claims pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 37). The Magistrate Judge advised Plaintiff of his right to file objections to the Report by August 30, 2024. However, Plaintiff did not respond, and on two occasions, the mail service returned the Report as undeliverable. (ECF 40 & 41). Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).


Here, Plaintiff failed to raise any objections, and therefore this Court is not required to explain its decision to adopt the recommendation. A review of the Report and prior orders indicate that the Magistrate Judge correctly concluded that Plaintiff's Complaint is subject to dismissal pursuant to Rule 41.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 37). Consequently, this action is dismissed with prejudice in accordance with

Rule 41(b) of the Federal Rules of Civil Procedure, and Defendants' motion for summary judgment (ECF No. 30) is dismissed as moot.

IT IS SO ORDERED

October 18, 2024
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Court Judge